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APPLICATION NUMBER	FLING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/389,579 02/15/95 NISHIMURA

N 35.G1008-C1P

FITZPATRICK CELLA HARPER & SCINTO
277 PARK AVENUE
NEW YORK NY 10172

EXAMINER

NEYZARI, H

ART UNIT	PAPER NUMBER
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2516

DATE MAILED:

10/02/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- Responsive to communication(s) filed on Aug 2, 96 & July 29, 96
 This action is FINAL.
 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.
A shortened statutory period for response to this action is set to expire Three (3) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- Claim(s) 1-3, 5-7 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
 Claim(s) 7 is/are allowed.
 Claim(s) 1-3, 5-6 is/are rejected.
 Claim(s) _____ is/are objected to.
 Claims _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
 The drawing(s) filed on _____ is/are objected to by the Examiner.
 The proposed drawing correction, filed on _____ is approved disapproved.
 The specification is objected to by the Examiner.
 The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: 5-038138

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of Reference Cited, PTO-892
 Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
 Interview Summary, PTO-413
 Notice of Draftsperson's Patent Drawing Review, PTO-948
 Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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Part III DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5 are rejected under U.S.C. 102(e) as being anticipated by Hirokane et al (US 5,428,585).

Hirokane et al disclose a magneto-optical recording medium which comprises a first magnetic layer wherein in-plane magnetization at room temperature range changes to perpendicular magnetization and change to an in-plane magnetization at higher temperature ranges; a second and a third magnetic layers having perpendicular magnetization.

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Claim 6 is rejected under 35 U.S.C. 102(b) as being by anticipated by Ohta et al (US 5,241,520).

Ohta et al disclose a magneto-optical recording medium which comprises a first magnetic layer and a second magnetic later with perpendicular magnetization and a third magnetic layer interposed between first and second magnetic layers, wherein the in-plane magnetization at room temperature changes to perpendicular at higher temperature.

Allowable Subject Matter

Claim 7 is allowed.

Response to Arguments

Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ALI NEYZARI** whose telephone number is **703-308-4906**. The examiner can normally be reached on **MONDAY-THURSDAY** from **7:00 AM to 5:30 PM**.

The fax phone number for this Art Unit is **703-308-7724**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is **703-308-0956**.

ALI NEYZARI

Primary Examiner

9-30-1996



ALI NEYZARI
PRIMARY EXAMINER
GROUP 2500